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BILL LOCKYER
Attorney General of the State of California
THOMAS GREENE
Chief Assistant Attorney General
THEODORA BERGER
Senior Assistant Attorney General
SARAH E. MORRISON
Deputy Attorney General
State Bar No. 143459
300 South Spring Street
Los Angeles, CA 90013
Telephone: (213) 897-2640
Fax: (213) 897-2802

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SEP 28 2004

LOS ANGELES
SUPERIOR COURT

Attorneys for Plaintiff, State of California Department of
Toxic Substances Control

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

STATE OF CALIFORNIA DEPARTMENT OF
TOXIC SUBSTANCES CONTROL,

Plaintiff,

v.

J & S METALS, INC.,

Defendants.

No. BC 296072

NOTICE OF SETTLEMENT;
REQUEST FOR RETENTION
OF JURISDICTION;
~~PROPOSED~~ ORDER



Date:

Time:

Dept.: 46

Trial Date: October 4-8, 2004

Assigned to Hon. Rodney E. Nelson

1 **TO THIS HONORABLE COURT, TO ALL PARTIES AND THEIR ATTORNEYS OF**
2 **RECORD: PLEASE TAKE NOTICE THAT** Plaintiff, the State of California Department of
3 Toxic Substances Control ("Department"), and Defendants J&S Metals, Inc. and Kenneth Y.
4 Madick, Eddie Madick, Ida Lee Madick, Lodi Investment Company, and O.K.I. LLC
5 (collectively referred to as "Defendants") have entered into a Stipulation for Settlement
6 ("Stipulation") resolving the above-captioned action. A true and correct copy of the Stipulation
7 is attached hereto as Exhibit 1.

8 In the Stipulation, the Department and the Defendants jointly request, pursuant to Code of
9 Civil Procedure section 664.6, that the Court retain jurisdiction of this matter and over the
10 parties to enforce the Stipulation until performance in full of the terms of the Stipulation.
11 (Stipulation, at p. 2, ¶ 8.)

12 The Stipulation conditions dismissal of this matter on the satisfactory completion of terms
13 that are not to be performed within forty-five (45) days of the date of the Stipulation.
14 (Stipulation, at p. 2, ¶ 10.) In the event that the Court grants the parties' request for retention of
15 jurisdiction, the Department will file a request for dismissal of defendants Eddie Madick, Ida
16 Lee Madick, Lodi Investment Company, and O.K.I. LLC ("Owners Defendants") from this
17 action, no later than forty-five (45) days after entry of the Court's order retaining jurisdiction of
18 this action to enforce this Stipulation. In the event that the Court does not grant the parties'
19 request for retention of jurisdiction, the Department will file a request for dismissal of the
20 Owner Defendants from this action, no later than forty-five (45) days after the Owner
21 Defendants' satisfactory completion of the terms of the Stipulation. (Stipulation, at p. 2, ¶ 10.)

22 Pursuant to Code of Civil Procedure section 664.6, the Department has concurrently filed a
23 Motion for Entry of Judgment against defendants J&S Metals, Inc. and Kenneth Madick ("J&S
24 Defendants") pursuant to the Stipulation.

25 Therefore, the Department requests that this Court grant the parties' request to retain
26 jurisdiction of this action and over the parties to enforce this Stipulation until performance in
27 full of the terms of this Stipulation.

1 The Department also requests that the Court vacate the dates for the final status conference
2 on September 28, 2004, and the trial on October 4-8, 2004, because the Stipulation resolves
3 this matter.

4
5 Dated: September 22, 2004

Respectfully submitted,

6 BILL LOCKYER

Attorney General of the State of California

7 

8 SARAH E. MORRISON

Deputy Attorney General

9 Attorneys for the California Department of Toxic
10 Substances Control

11 **ORDER**

12
13 IT IS ORDERED that:

- 14 1. Pursuant to Code of Civil Procedure section 664.6, this Court retains jurisdiction of
15 this matter and over the parties in order to enforce the Stipulation for Settlement
16 between the California Department of Toxic Substances Control and defendants J&S
17 Metals, Inc., Kenneth Madick, Eddie Madick, Ida Lee Madick, Lodi Investment
18 Company and O.K.I. LLC, until performance in full of the terms of the Stipulation.
19 2. The dates for the Final Status Conference set for September 28, 2004 and the trial in
20 this matter set for October 4-8, 2004 are vacated.

21 **IT IS SO ORDERED.**

22
23 Dated: 9/28/04

RODNEY E. NELSON

24 HONORABLE RODNEY E. NELSON
JUDGE OF THE SUPERIOR COURT

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